

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDRIA M. JIMERSON,)
)
Plaintiff,)
)
v.) No. 4:16-CV-734-DDN
)
U.S. DEPARTMENT OF HOUSING)
AND URBAN DEVELOPMENT, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for leave to proceed in forma pauperis [Doc. 2]. After reviewing plaintiff's financial affidavit [Doc. 3], the motion will be granted. In addition, as set forth below, the Court will order plaintiff to file an amended complaint.

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis at any time if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if "it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). An action fails to state a claim upon which relief can be granted if it does not plead "enough

facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1974 (2007).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. *Denton v. Hernandez*, 112 S. Ct. 1728, 1733 (1992).

The Complaint

Plaintiff brings this action for monetary relief for the violation of her rights under the Fair Housing Act. The named defendants are the U.S. Department of Housing and Urban Development (“HUD”) and Eddie Wartts (HUD Director, St. Louis). Plaintiff alleges that she needs immediate help to “stop a serious problem that is being caused by a Fair Housing Act violation”; however, she has failed to state what the problem is, and she has failed to assert any claims or allegations against the two named defendants.

Because plaintiff is proceeding pro se and in forma pauperis, the Court will give her an opportunity to file an amended complaint on a Court-provided form in accordance with the specific instructions set forth herein.¹

¹The Court will instruct the Clerk to mail plaintiff a blank form complaint

All claims in an action must be included in one, centralized complaint form, as neither the Court nor defendants wish to search through supplemental and prior pleadings in order to piece together plaintiff's claims. **As such, plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings and supplements, and therefore, she must include each and every one of the claims she wishes to pursue in the amended complaint.** See, e.g., *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). **Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered.** *Id.* Plaintiff is advised that the amended complaint will replace the original complaint and will be the only pleading this Court reviews. See, e.g., *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). **If plaintiff wishes to sue a defendant in his or her individual capacity, plaintiff must specifically say so in the amended complaint.**

Plaintiff should not attach any exhibits to the amended complaint; all claims should be clearly set forth in the "Statement of Claim." In addition, in the

for the filing of a non-prisoner civil rights action. Plaintiff must complete the amended complaint on the Court-provided form in accordance with the instructions set forth herein.

"Caption" of the amended complaint, plaintiff shall set forth the name of each defendant she wishes to sue; and in the "Statement of Claim," plaintiff shall start by typing the first defendant's name, and under that name, she shall set forth in separate numbered paragraphs the allegations supporting her claim(s) as to that particular defendant, as well as the right(s) that she claims that particular defendant violated and the capacity in which the defendant is being sued. Plaintiff shall proceed in this manner with each of the named defendants, *separately* setting forth each individual name and under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that she claims that particular defendant violated. The amended complaint must contain short and plain statements showing that plaintiff is entitled to relief, the allegations must be simple, concise, and direct, and the numbered paragraphs must each be limited to a single set of circumstances. If plaintiff needs more space, she may attach additional sheets of paper to the amended complaint and identify them as part of the "Caption" or "Statement of Claim. Plaintiff shall sign the amended complaint.

Plaintiff is reminded that she is required to submit her amended complaint on a Court-provided form, and it must comply with Rules 8 and 10 of the Federal Rules

of Civil Procedure. Plaintiff's failure to make specific and actionable allegations against any of defendant(s) will result in that individual's dismissal from this case.²

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall mail plaintiff a blank form complaint for the filing of a non-prisoner civil rights action.

IT IS FURTHER ORDERED that, consistent with this Memorandum Order, plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court may dismiss this action without prejudice and without further notice.

Dated this 25th day of May, 2016.

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

²The Court will review plaintiff's amended complaint pursuant to 28 U.S.C. § 1915. A claim and/or defendant must survive § 1915 review in order for plaintiff to proceed in this lawsuit.